

REMARKS

This application has been carefully reviewed in light of the Office Action dated February 9, 2007. Claims 34 to 41 and 43 to 62 are pending in the application, of which Claims 34, 43 and 53 are independent. Reconsideration and further examination are respectfully requested.

Claims 34, 42, 43 and 53 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 34 to 40 and 42 to 62 were rejected under § 103(a) over Publication No. 2000/222148 (Toshihiro), Publication No. 2002/086852 (Kiyoshi) and U.S. Published Appln. No. 2001/0021036 (Nimura). Claim 41 was rejected under 35 U.S.C. § 103(a) over Toshihiro, Kiyoshi and Nimura in view of Publication. No. 2000/112688 (Hiroyuki). Reconsideration and withdrawal of this rejection is respectfully requested.

Turning to specific claim language, amended independent Claim 34 is directed to an image formation system including a color image formation apparatus and a black-and-white image formation apparatus. The image formation system includes a color image forming section provided in the color image formation apparatus, for forming a color image; a black-and-white image forming section provided in the black-and-white image formation apparatus, for forming a black-and-white image; a determining section for determining whether each of pages in an input job in which both a color page and a black-and-white page exist is a color page or a black-and-white page; a controller for

controlling the color image forming section to form an image for the color page and controlling the black-and-white image forming section to form an image for the black-and-white page according to the determination result of the determining section; and a selecting section for selecting one of a first mode and a second mode, the first mode being a mode in which, in a case where both a color page and a black-and-white page are to be formed on a single sheet, images for all the pages to be formed on the single sheet are formed by the color image forming section, the second mode being a mode in which, in a case where both a color page and a black-and-white page are to be formed on a single sheet, an image for the color page to be formed on the single sheet is formed by the color image forming section and an image for the black-and-white page to be formed on the single sheet is formed by the black-and-white image forming section. The selecting section selects the first mode in a case where sheets having images formed thereon beforehand by the color image forming section are mixed without passing through the black-and-white image forming section, and selects the second mode in a case where the sheets are mixed with passing through the black-and-white image forming section.

Rejection under 35 U.S.C. § 112

Applicant submits that selection of one of the first mode and the second mode is supported by the description given in Fig. 18, Steps 1805 to 1807. Specifically, Step 1806 is selected in the case where the sheets are mixed by means of the inserter or collator (first mode) while Step 1807 is selected in the case where the sheets are mixed by means of the hand feed tray (second mode). In this regard, the control executed in the case where the sheets are mixed in accordance with Step 1806 (first mode) is illustrated in Fig. 19, whereas the control executed in the case where the sheets are mixed in accordance with Step 1807 (second mode) is fully illustrated in Fig. 20.

Furthermore, in an image formation system in accordance with Claim 34, the first mode is selected in the case where the inserter or collator is selected from among the mixing methods provided in the window (pop-up menu 1510, shown in Fig. 15) while the second mode is selected in the case where the hand feed tray is selected from among the mixing methods provided in the window (pop-up menu 1510, shown in Fig. 15).

The first mode featured in Claim 34 corresponds to the mode disclosed in the specification, wherein the sheets on which the images were preliminarily formed by the color image forming section are set to the inserter 1203 or the collator 106 and are mixed without passing through the black-and-white image forming section. Since, according to the first mode, the sheets set to the inserter 1203 or the collator 106 do not pass through the black-and-white image forming section, the images for all the pages to be formed on the single sheet are formed by the color image forming section in the case where both the color page and the black-and-white page are to be formed on the single sheet.

The second mode featured in Claim 34 corresponds to the mode disclosed in the specification, wherein the sheets on which the images were preliminarily formed by the color image forming section are set to the hand feed tray 1036 and are mixed with passing through the black-and-white image forming section. Since, according to the second mode, the sheets set to the hand feed tray 1036 pass through the black-and-white image forming section, the image for the color page to be formed on the single sheet is formed by the color image forming section whereas the image for the black-and-white page to be formed on the single sheet is formed by the black-and-white image forming section in the case where both the color page and the black-and-white page are to be formed on the single sheet.

In light of the foregoing discussion, Applicant respectfully requests that the rejection under 35 U.S.C. § 112 be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Toshihiro discloses an image forming system wherein, when both of a color page and a black-and-white page are to be formed on a single sheet, an image for the color page is formed by a color image forming device while an image for the black-and-white page is formed by a black-and-white image forming device.

Furthermore, Kiyoshi discloses an image forming system wherein, when both of a color page and a black-and-white page are to be formed on a single sheet, images for both of the color page and the black-and-white page are formed by a color image forming device.

Finally, Nimura discloses an image forming apparatus wherein the sheets set to the inserter are fed and are mixed without passing through the image forming section.

However, Toshihiro, Kiyoshi and Nimura, either alone or in combination, fail to disclose or suggest all of the features of Claim 34. Specifically, the cited references, either alone or in combination, fail to disclose or suggest at least the feature of selecting the first mode in the case where the sheets are mixed without passing through the black-and-white image forming section while selecting the second mode in the case where the sheets are mixed with passing through the black-and-white image forming section.

In light of the deficiencies of Toshihiro, Kiyoshi and Nimura as discussed above, Applicant submits that Claim 34 is now in condition for allowance and respectfully requests same.

Claims 43 and 53 are directed to a color image formation apparatus and a black and white image formation apparatus, respectively, substantially in accordance with Claim 34. Accordingly, Applicant submits that Claims 43 and 53 are also in condition for allowance and respectfully request same.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

Finally, the as-filed claim count totaled 33, with 9 independent claims. The previous (1) and present amendments bring the claim count to a total of 29, with 3 independent claims. Therefore, no fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire, Reg. #42,419/
Frank L. Cire
Attorney for Applicant

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
CA_MAIN 131277v1